

Fiscal Note

Fiscal Services Division



HF 691 – Obscene Materials Dissemination to Minors (LSB 2003HV)

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Fiscal Note Version – New

Requested by Representative Mary Mascher

Description

House File 691 relates to obscene material in child in need of assistance (CINA) proceedings and child abuse cases. The Bill amends the definition of CINA to include situations where a child has suffered, or is imminently likely to suffer, harmful effects because a parent, guardian, custodian, or person responsible for the care of the child, knowingly disseminated or exhibited to the child, obscene material as defined in Iowa Code Section [728.1](#). This Bill also amends the definition of child abuse to include situations where a person responsible for the care of the child knowingly allows the child access to obscene material or knowingly disseminates or exhibits such material to the child. The Bill requires a professional listed in Iowa Code Section [232.69](#) to report the child abuse. A person in violation of these changes may be subject to the current child abuse registry provisions.

Background

Currently, in Iowa, there is no legal recourse when a person that is a caregiver of a child knowingly disseminates or exhibits obscene material to a child under their care.

According to the Justice Data Warehouse (JDW), in FY 2008 there were 10 convictions for disseminating or exhibiting obscene material to a minor. These convictions would not have included parents or guardians.

Assumptions

Fiscal Information

- There will be an increase in child abuse assessments conducted by the Department of Human Services (DHS); however, the impact is anticipated to be minimal.
- There will be a minimal increase in required DHS services if child abuse is founded under the new classification of abuse.

Correctional and Minority Impact

- This proposal could increase the number of convictions if cases were pursued criminally and may increase the number of CINA petitions. However, based upon currently available information, the amount of increase cannot be estimated.
- The minority impact cannot be determined.

Summary of Impacts

The correctional, fiscal, and minority impacts of House File 691 cannot be determined. It is anticipated that a minimal increase in expenditures for the DHS will occur in FY 2011.

Sources

Department of Human Services

Criminal and Juvenile Justice Planning Division, Department of Human Rights

/s/ Holly M. Lyons

January 29, 2010

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56](#), Code of Iowa. Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
